

Van Buren County Government



Personnel Policy Manual

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Adoption and Administration of Policies Section

Purpose and Intent of Personnel Policy Manual Policy

Section:	Adoption and Administration of Policies
Policy Number:	1.01
Date:	3/27/2019

The purpose of the Personnel Policy Manual is to act as a guideline for informational purposes as to the policies Van Buren County (the "County") will utilize. The policies and/or benefits outlined in this document may be added to, expanded, modified or deleted/discontinued, and any such changes shall be solely within the discretion of the Board of Commissioners. It is the intent of the County as an employer to provide appropriate notice of changes and modification to the Personnel Policy Manual. The interpretation and operation of the benefits noted herein are within the sole discretion of the Board of Commissioners. Where a conflict exists between a provision of these Personnel Policies and an express provision of an applicable collective bargaining unit agreement, the collective bargaining agreement controls. All rights and powers vested in the County or any County Elected Official shall not be, in any way whatsoever, reduced by these policies.

Organizational Policies Section

At-Will Employment Policy

Section:	Organizational Policies
Policy Number:	2.01
Date:	3/27/2019

No person/representative of the Employer has any authority to enter into any agreement for employment for any specified period, or to make any agreement contrary to the provisions contained herein. Both the Employer and Employee have the right to terminate the employment relationship at any time, with or without cause, and with or without notice (i.e. "at-will").

The only exceptions are as follows:

The Board of Commissioners, through formal action, can modify County policies. The Board, through formal action, can also enter into other than "at-will" relationships with County administrators and represented employees/units.

Equal Employment Opportunity Policy

Section:	Organizational Policies
Policy Number:	2.02
Date:	3/27/2019

It is the policy of Van Buren County to provide equal employment opportunities to qualified persons without regard to race, color, sex, age, religion, national origin, marital status, person's political affiliation, sexual orientation or gender identity, height, weight, disability, genetic information or any other status protected by law, contract or local ordinance.

It is the policy of the County to comply with all federal, state and local EEO laws.

As such, the County will reasonably accommodate qualified individuals with disabilities. Employees may request an accommodation from the Employee Services Department. Under Michigan law, an employee must notify the County in writing of the need for accommodation within one hundred and eighty-two (182) days of the date the individual knows or should know that an accommodation is needed. Failure to properly notify the County may preclude any claim that the County failed to accommodate the individual. The County treats all medical information and records as confidential.

The Employee Services Director shall act as the Equal Employment Compliance Officer.

Anti-Harassment and Bullying Policy

Section:	Organizational Policies
Policy Number:	2.03
Date:	3/27/2019

Van Buren County is committed to providing a work environment where all employees are treated with dignity and respect. Harassment in the workplace based upon race, color, sex, age, religion, national origin, marital status, gender identity, height, weight, disability, genetic information, or any other protected status will not be tolerated, whether committed by or directed toward co-workers, supervisors, vendors/consultants, or those persons receiving services from the County. Harassment of others in the workplace is destructive to a good working relationship and is counterproductive to the County's goal of providing outstanding services to the public. Therefore, it is every employee's responsibility to ensure that Van Buren County maintains a fair and effective work environment that is free from harassment. If an employee has questions concerning this policy, please contact the Employee Services Department.

A. Sexual Harassment

The County's Equal Employment Opportunity Policy against discrimination and harassment prohibited by law includes a prohibition against sexual harassment. The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when either:

1. Submission to or rejection of such conduct or communication is made explicitly or implicitly a term or a condition of an individual's employment; OR
2. Submission to or rejection of such conduct or communication by an individual is used as a factor in employment decisions affecting the individual; OR
3. Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile or offensive environment. This includes, but is not limited to:
 - a. Sexually-oriented jokes, gestures, noises, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee;
 - b. Sexual or discriminatory displays or publications; or
 - c. Retaliation for sexual harassment complaints.

The foregoing policy requires that each individual exhibit, in his or her conduct and communications, sound judgment and respect for the feelings and sensibilities of each employee. The prohibited conduct may be in the form of a sexual advance but may also be in the form of less direct verbal or

non-verbal behavior. Behavior may be unwelcomed even if it is not intended or perceived as such by the person engaged in it. The following are some examples of possible sexual harassment:

- Verbal sexual comments, innuendos, slurs, or jokes.
- Non-verbal sexual gestures, leering, or staring.
- Visual displaying of sexual pictures, writings, or objects.
- Physically inappropriate touching or blocking someone's movement.
- Threats, threatening or insinuating reprisal for refusing sexual demands or conduct.

B. Other Discriminatory Harassment

Other forms of harassment and bullying are also prohibited. Verbal or non-verbal conduct that exhibits hostility or disrespect toward an individual or group because of race, color, sex, age, religion, national origin, marital status, a person's political affiliation, sexual orientation or gender identity, height, weight, disability, genetic information, or any other protected status will not be tolerated. As with sexual harassment, behavior of this kind may take several forms including, but not limited to oral or written communications, the display of printed or graphic material, slurs, gestures, jokes and physical acts.

C. Off-Duty Incidents

Conduct that occurs outside of the workplace may create a hostile environment when in the workplace. If so, such conduct should be reported.

D. What an Employee Should Do If They Believe They've Been Harassed

An employee may, but is not required to, speak with the offending individual directly and inform the offending individual that the behavior in question is unwelcome and must be stopped. Any employee who believes he or she has been subjected to discrimination or harassment prohibited by law or this policy, or who believes he or she has observed discrimination or harassment prohibited by law or this policy, must report that fact immediately in writing to:

1. The individual's department head/elected official/court administrator; or
2. If the individual does not feel comfortable with his/her department head/elected official/court administrator or is not satisfied after having complained to his/her department head/elected official/court administrator, the individual should file a written complaint with the Employee Services Director.

If an employee has any question regarding this policy or the reporting of such matters, he or she should contact the Employee Services Department.

E. What an Employee Should Do If They Believe Another Employee Is Being Harassed

If an employee observes or has knowledge of an incident of harassment involving other employees, he or she must immediately file a written complaint with their department head/elected official/court administrator or the Employee Services Department.

If a supervisor, they must report, in writing, any observed or reported incident of harassment involving another employee immediately to the employee's department head, elected official, court administrator or the Employee Services Department.

F. How Complaints of Harassment Will Be Handled

Investigation – The County will promptly conduct an appropriate, impartial and thorough investigation of any complaint or report of harassment. At times, the County may use outside resources to assist with the investigation.

Confidentiality – To the extent possible, the County's investigation will be conducted in a manner calculated to protect the privacy of the involved individuals, and the confidentiality of the complainant.

Disciplinary Action – If the investigation reveals that harassment has occurred, disciplinary action up to and including discharge will be taken. The nature of the discipline will depend upon the circumstances of each case. Again, all complaints and the actions taken to resolve such complaints will be treated as confidentially as possible.

- G. Protection Against Retaliation**—If a report of discrimination or harassment is made in good faith, the County will protect the reporting individual and those who participate in the investigation process as witnesses from retaliation or any other detrimental impact on his or her employment. Employees who become aware of complaints or investigations of harassment are expected to refrain from unnecessary and unprofessional discussions with coworkers concerning the individuals involved; as such discussions may themselves be a form of retaliation or harassment. If an employee believes he/she has been subjected to retaliation based upon a protected report or participation, the employee must immediately report that fact to the employee's department head/elected official/court administrator, or in the alternative, to the Employee Services Department. Disciplinary action, up to and including discharge, will be taken against anyone who is found to have engaged in such retaliation.

- H. Supervisor/Subordinate Relationships**—Supervisors are prohibited from dating or otherwise engaging in a romantic or intimate relationship with a subordinate employee. Employees who violate this policy may be disciplined for such conduct, up to and including discharge.

Fraud and Abuse Policy

Section:	Organizational Policies
Policy Number:	2.04
Date:	3/27/2019

Van Buren County maintains the highest standards of conduct and ethics. All County employees are entrusted with the responsibility to protect and ensure proper use of County funds, resources and property.

The County will investigate any suspected fraudulent or dishonest use of resources, funds or property by any employee.

Fraudulent or Dishonest Conduct includes, but is not limited to:

- Forgery or alteration of documents
- Illegal activity during the course of employment
- Unauthorized alteration of computer files
- Misuse of confidential and protected information
- Deceptive or false financial reporting, or the pursuit of personal gain in conflict with the interests of the County
- Misappropriation of resources, funds or property
- Authorizing or receiving compensation for goods not received or services not performed
- Misrepresentation of business expenses
- Intentional damage to County property
- Any illegal activity involving County resources, funds or property

Employee Responsibility

All employees have a responsibility to report all suspected illegal activity, fraud or dishonest use of County funds, resources or property.

Suspected inappropriate actions shall be reported in writing to the reporting employee's department head/court administrator/elected official, who will in turn report the allegation to the Employee Services Director. If the allegation is against the department head/court administrator/elected official, the employee shall report the allegation directly to the Employee Services Director. If the allegation is against the Employee Services Director, the employee shall report the allegation directly to the County Administrator. If the allegation is against the County Administrator, the employee shall report the allegation directly to the Board Chair.

An employee will fully cooperate with any internal investigation and/or law enforcement agency performing the investigation.

Confidentiality

Reports of suspected fraud and abuse will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Reports will only be shared with those who have

a need to know so that the County can conduct an effective investigation and determine the appropriate action to take.

Baseless Accusations

Allegations made by an employee in bad faith, will subject the employee to disciplinary action by the County and can also result in legal action by the accused.

Whistleblowers' Protection Act Policy

Section:	Organizational Policies
Policy Number:	2.05
Date:	3/27/2019

The Whistleblowers' Protection Act (Public Act 469 of 1980) prohibits retaliatory discharge of employees for reporting a violation or suspected violation of federal, state or local laws, rules or regulations.

Any employee who, during employment, believes that he or she has been requested or required to engage in an illegal act or suspects a violation of federal, state or local laws or regulations should report that fact immediately, in writing, to their department head/elected official/court administrator. If the department head/elected official/court administrator is involved, the employee should notify the Employee Services Director. The County will undertake an appropriate, thorough and prompt investigation of the allegations and, where appropriate, undertake remedial action. The County will adhere to applicable state and federal laws which provide job protection to employees who make such reports or who participate in hearings, investigations, legislative inquiries, or court actions.

The employee must exercise sound judgment to avoid baseless allegations. An employee who, in bad faith, files a false report of wrongdoing will be subject to discipline up to and including termination. The Whistleblowers' Protection Act does not include immunity for any personal wrongdoing that is alleged and investigated.

Political Activity Policy

Section:	Organizational Policies
Policy Number:	2.06
Date:	3/27/2019

Van Buren County recognizes that County employees have the same fundamental civic responsibilities and privileges as other citizens. County employees are subject to the Political Freedom Act (Act 19 of 1976, being MCLA 15.401, et seq., as amended) and the Hatch Political Activities Act (5 USC 1501-1508, as amended).

Every employee has the right to freely express his or her views (during non-working hours; employees should always be impartial while at work) and to cast a vote as he or she may wish. Coercion for political purposes is strictly prohibited.

- A. Employees of federally aided programs are, however, prohibited from participation in partisan political activity under the Hatch Political Activities Act (5 USC 1501-1508, as amended). These employees may not:

1. Use their official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
3. Be a candidate for elective office in a partisan election if employee's full salary is paid, directly or indirectly, by loans or grants made by the United States or a federal agency.

However, employees subject to the provisions of the Hatch Act may:

- i. Express their opinions on political subjects and candidates, and
 - ii. Take an active part in political management in political campaigns.
- B. No employee shall engage in any partisan political activity or campaigning for a nonpartisan elective office during scheduled working hours or while on duty or while off duty wearing a uniform or other identifying insignia of County office or employment. However, salaried exempt employees may engage in political activities during working hours but must carefully document their time and record political activity time as appropriate leave time. Elected officials are not employees.

- C. Solicitation of signatures or contributions or nominating petitions is prohibited during working hours.
- D. County employees shall not engage in political activity on County time or utilizing County equipment. Employees must use annual leave time or compensatory time when participating in all political/charitable fundraisers, i.e. golf outings, luncheons.
- E. No employee shall be required to engage in a campaign for election of any candidate.
- F. All appointed department heads/court administrators/elected officials (and their staff) are encouraged to exercise extreme caution in a public endorsement of or in opposition to a candidate for public office at the County level.

Standards of Conduct Policy

Section:	Organizational Policies
Policy Number:	2.07
Date:	3/27/2019

The purpose of these Standards is to provide guidance on the types of rules and principals that apply to and govern Van Buren County employees in the performance of their public duties.

Van Buren County is committed to the highest standards of professional and ethical conduct by and among its employees and County officials in the performance of their public duties. Van Buren County believes that individual and collective adherence to high professional and ethical standards by public employees and officials is central to the maintenance of public trust and confidence in government.

Van Buren County believes that these Standards of Conduct serve as a valuable reference guide for all those in whom the public has placed its trust.

Conflict of Interest

An employee should not engage in behavior or any transaction which creates the appearance of impropriety or may be reasonably interpreted as conflicting with the proper discharge of the employee's duties, or which may be perceived as not being in the public's interest. This includes, but is not limited to:

1. **Gifts to Employees.** A County employee must not solicit nor accept any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances which could reasonably be inferred or expected that the gift was intended to influence the employee in the discharge of his/her official duties.
2. **Financial Gain.** A County employee must not engage in any business transaction or private arrangement for financial gain for himself/herself or a close relative, which accrues from or is based on the employee's official position or on confidential information which the employee gained by reason of his/her position. "Close relatives" are defined as any of the following and includes natural, adoptive, step or foster: spouse, parent or parent -in-law, grandparent, child, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, first cousins and significant others in a co-habitation relationship.
3. **Financial Interest.** A County employee must not have any substantial interest (or the employee's close relative sharing such interest), in any business or industry wherein the employee directly, in a decision-making capacity, participates on behalf of the County in the regulation, enforcement, auditing or purchasing of any goods or services.
4. **Favoritism.** A County employee must not grant or make available to any person any preferential consideration, treatment, advantage or factor beyond that which is the general practice to grant or make available to others under similar circumstances, nor use the employee's position to secure a special privilege, benefit, or exemption for the employee or his/her friends, relatives,

business associates, etc.

5. **Representing Private Interests.** A County employee must not represent or act as agent for any private interests, whether for compensation or otherwise, in any transaction in which the County has a direct and substantial interest, and which could reasonably be expected to result in a conflict between the private interests of the employee and the employee's official responsibilities.
6. **Employment.** A County employee must not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the employee's official duties (might create a conflict, or the appearance of a conflict of interest) or when that employment may tend to impair his/her independence of judgment or action in the performance of official duties.
7. **Personal Opinions.** A County employee must not represent his/her opinion as that of the County, courts, or elected officials.

County Employees Shall:

1. **Appearance in Public.** Employees must always conduct themselves in a manner that will not create an appearance of impropriety. An employee must not engage in activities that could cause an adverse reflection on his or her position or Van Buren County.
2. **Workplace Professionalism.** Employees must perform their duties in a professional and respectful manner. Personal insults and degradations are not acceptable. This includes the duty to provide impartial and non-discriminatory treatment to all persons interacting with Van Buren County.
3. **Report Violations.** Report any conduct or activity that the employee believes to be in violation of this policy.
4. **Professionalism and Customer Service.** Employees must treat all customers/citizens, clients, coworkers, supervisors, department heads/elected officials/court administrators, etc., in a courteous and professional manner. Employees shall conduct all Van Buren County business in a fair, impartial and honest manner, and must effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interests of Van Buren County.
5. **County and Taxpayer Resources.** Employees must use the resources, property, and funds of Van Buren County judiciously and solely in accordance with prescribed laws, grant requirements, and/or County procedures.
6. **Honesty.** Employees must perform their duties with honesty and integrity.

7. Privacy. Employees shall use care and discretion and comply with all applicable laws, policies and regulations when handling confidential information which is received or maintained by Van Buren County.

Disclosure of Interest

The County requires that an employee make advanced written disclosure of any interests of the employee or of the employee's close relatives, which may violate this policy, which might create a conflict or the appearance of a conflict of interest, or which may otherwise reasonably appear to impact or conflict with the performance of the employee's official duties.

Disciplinary Action

This policy has been formalized in order to protect the County and its employees from undue criticism, harm, or possibility of involvement in a conflict of interest. Violations of this policy shall be subject to disciplinary action.

Social Security Number Privacy Policy

Section:	Organizational Policies
Policy Number:	2.08
Date:	3/27/2019

A. Policy

Pursuant to Michigan law, the County will protect the confidentiality of employee Social Security numbers ("SSN"). No person shall knowingly acquire, disclose, transfer, or unlawfully use the SSN of any employee or other individual unless in accordance with applicable state and federal law and the procedures and rules established by this policy.

B. Administrative Procedures/Rules

1. SSN Defined

As used in this policy, the term SSN includes both the entire nine-digit number and more than four (4) sequential digits of the number.

2. Public Display of SSNs

SSNs shall not be placed on identification cards or badges, membership cards, permits, licenses, time cards, employee rosters, bulletin boards, or any other materials or documents that are publicly displayed. Documents, materials, or computer screens that display SSNs or other sensitive information shall always be kept out of public view.

3. Access to SSNs

Only persons authorized by the responsible department or other administrative unit head shall have access to information or documents that contain SSNs.

4. Mailed or Transmitted Documents

Documents containing SSNs that are mailed or otherwise sent to an individual shall not reveal the number through the envelope window, nor shall the number be otherwise visible from outside the envelope or package.

SSNs shall not be sent over the internet or a computer system or network (e.g. through e-mail) unless the connection is secure, or the transmission is encrypted. No individual shall be required to use or transmit his or her SSN over the internet or a computer system, or to gain access to an internet website, computer system, or network (e.g. through e-mail) unless the connection is secure, the transmission is encrypted, or a password or other unique personal identification number or other authentication device is also required to gain access to the internet website or computer system or network.

- a. Because of inherent lack of security, a document containing an SSN shall not be transmitted using a facsimile ("fax") device or fax software.
- b. Documents containing SSNs shall only be mailed or transmitted in the following circumstances:
 - 1. Where state or federal law, rule, regulation, or court order or rule authorizes, permits, or requires that an SSN appear in the document.
 - 2. The document is sent as part of an application or enrollment process initiated by the individual whose SSN is contained in the document.
 - 3. The document is sent to establish, confirm the status of, service, amend, or terminate an account, contract, policy, or employee or health insurance benefit or to confirm the accuracy of an SSN of an individual who has an account, contract, policy, or employee or health insurance benefit.
 - 4. The document or information is a copy of a vital record recorded as provided by law and is mailed to a person entitled to receive that record.
 - 5. The document or information is mailed by or at the request of an individual whose SSN appears in the document or information or his or her parent or legal guardian.
- 5. Storage and Disposal
All documents or files that contain SSNs shall be stored in a physically secure manner. SSNs shall not be stored on computers or other electronic devices that are not secured against unauthorized access. Documents or other materials containing SSNs shall not be thrown away in the trash; they shall be discarded or destroyed only in a manner that protects their confidentiality, such as shredding.
- 6. Information Collected
SSNs should only be collected where required by federal and/or state law or as otherwise permitted under the Michigan SSN Privacy Act. If a unique identifier is needed, a substitute for the SSN shall be used.
- 7. Accountability
An employee who fails to comply with this policy shall be subject to discipline up to and including discharge. Additionally, certain violations of the Michigan SSN Privacy Act carry criminal and/or civil sanctions. The County will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses SSNs through the County for unlawful purposes.
- 8. Policy Guidance
For policy clarification and guidance regarding SSN privacy and security, contact the County

Administrator for paper documents or the Information Services Director for digital documents and images.

Anti-Nepotism Policy

Section:	Organizational Policies
Policy Number:	2.09
Date:	3/27/2019

Purpose

This policy is to allow board members, elected officials and department heads to eliminate any potential conflict of interest and reduce the appearance of favoritism.

Application: This policy shall apply to all board members, County Administrator, elected officials, department heads and all employees.

Policy

Close relatives, partners, or members of the same household are not permitted to be in positions that have a reporting responsibility to each other less than three (3) supervisory levels apart. "Close relatives" are defined as: husband, wife, father, mother, father-in-law, mother-in-law, grandfather, grandmother, child, son-in-law, daughter-in-law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, first cousins, and significant others in a co-habitation relationship.

Policy Enforcement

A. Individuals will not be hired, promoted, demoted, or transferred into a position that would create a conflict with County policy. If employees become relatives, significant others, or members of the same household, and the employees have a reporting responsibility to each other less than three (3) supervisory levels apart, the supervisory employee is required to inform management and the Employee Services Department of the relationship.

The employees will have sixty (60) days to resolve the problem (e.g. voluntary transfer, resignation, etc.). If the situation has not been addressed and resolved in sixty (60) days, then the employees' supervisors will work with Employee Services to determine the most appropriate action for the specific situation. This may include involuntary transfer or, if necessary, termination of one of the employees.

B. If there is a situation where an action of the County, such as reduction in force, results in an involuntary circumstance where two close relatives, partners, or members of the same household have a reporting responsibility to each other less than three (3) supervisory levels apart, one of the employees will be reassigned within sixty (60) days (provided there is a vacant position into which the employee can be reassigned). During those sixty (60) days, the supervisory employee will not have involvement or direct input in the employment decisions relating to the other employee.

C. Any exceptions to this policy will be made on a case-by-case basis, not to be considered precedence for establishing practice, and must be approved in writing by the department head or court administrator and the Employee Services Director. Written justification for the exception must be submitted to Employee Services prior to any employment decisions. In any case, where an exception is made, the affected supervisor in the reporting relationship must recuse himself/herself from performance and discipline issues related to the other employee and be replaced by one of his/her peers.

D. Any current violations of this policy at the time said policy is approved shall not be applicable until there is a change in employment status such as either party changes position.

Employee Background Checks and Disclosing Criminal Information Policy

Section:	Organizational Policies
Policy Number:	2.10
Date:	3/27/2019

- A. All employees must fully disclose to their supervisor any criminal charges (misdemeanor or felony), no later than two business days after being charged.
- B. The Sheriff's Office and/or other departments/positions where required by state or federal law or grant requirement, may also require reporting of arrests. Sheriff's Office employees are required to report any interactions with any law enforcement personnel.
- C. Any employee who works directly with minors or who will have access to the records of minors shall notify their supervisor in writing immediately, and in all cases, no later than two business days after such conviction, charge, or placement on the Child Protective Services Central Registry. An employee must disclose to the County any conviction resulting from such pending charges as described in this Section.
- D. As required by federal regulation, employees working with minors must disclose any arrests or charges related to child sexual abuse, child abuse, or child neglect and the disposition of such arrest or charges. The employee may also be required to certify that no case of child abuse or neglect has been substantiated against them.
- E. The County may, at its cost, conduct a criminal history search periodically on any employee to ensure compliance with laws, regulations, grants, licensing requirements, this policy, or performance standards.

Personnel Records Policy

Section:	Organizational Policies
Policy Number:	2.11
Date:	3/27/2019

The County will maintain a personnel record for every employee. This record will consist of at least a personnel file and a medical file. The medical file will be treated as confidential and will be maintained in a secure place separate from the personnel file. It is the employee's responsibility to notify the Employee Services Department of changes in his/her personal/professional life (e.g. marital status, birth of a child, dependent status, change of address, contact information, etc.; Section 4.02) so that his/her personnel record can be kept up-to-date.

Upon written request to the Employee Services Department, an employee will be allowed – within a reasonable period of time - to review his/her personnel file and/or personnel record. The Employee Services Department will schedule a time with the employee to review the file (possibly in the presence of an Employee Services representative). The employee must not remove, amend or adulterate anything in the personnel record. Upon request, the employee would, however, be allowed to provide Employee Services with additional written information to clarify his/her record; Employee Services will add such information to the record. The employee may also request that Employee Services provide copies of anything within the personnel record, though the County may charge a reasonable copy fee.

For purposes of employment references and employment verifications, the Employee Services Department shall serve as the main source of personnel records.

Workplace Environment Section

Tobacco and Smoke Free Workplace Policy

Section:	Workplace Environment
Policy Number:	3.01
Date:	3/27/2019

All County property and County vehicles are tobacco-free and smoke-free for the health, safety and well-being of all County employees and visitors.

No tobacco, smoking or use of e-cigarettes or other electronic nicotine delivery systems will be allowed anywhere in any County owned/leased buildings or County owned/leased vehicle. Smoking or use of e-cigarettes and other electronic nicotine delivery systems will be prohibited within thirty (30) feet of any building entrances, windows and ventilation systems to any enclosed areas.

Electronic cigarettes or e-cigarettes are defined as battery powered devices that are designed to mimic cigarettes by vaporizing a nicotine-laced liquid that is inhaled by the user.

Drug and Alcohol-Free Workplace Policy

Section:	Workplace Environment
Policy Number:	3.02
Date:	3/27/2019

Van Buren County is committed to providing a Drug and Alcohol-Free Workplace. The County prohibits the use (in the employee's system), possession, sale or distribution of illegal, prohibited or non-prescribed drugs and alcohol by its employees on County premises and/or during work time. Marijuana is considered a prohibited drug even if used for medical and/or recreational purposes. Marijuana use remains illegal and fully criminalized according to federal law, and Van Buren County employees are subject to the Drug-Free Workplace Act of 1988. Employees, officials, and contractors who violate County policy prohibiting the use or possession of illegal prohibited, or non-prescribed drugs on County facilities will be subject to criminal and/or disciplinary action.

Van Buren County also has a drug/alcohol testing and search policy as two means of enforcing this drug and alcohol-free workplace policy.

A. Drug Testing Policy.

Van Buren County reserves the right to require that any employee submit to an appropriate test for the presence of illegal and/or prohibited substances.

B. Search Policy

Although the County respects employees' legitimate privacy concerns, such concerns are subservient to safety and security concerns. Therefore, when the County has reason to believe an employee has brought prohibited substances onto County property (including weapons), or has otherwise violated County policy (e.g. theft), the County has the right to conduct an appropriate search (such searches, when possible, will be conducted in the employee's presence), of County property or of items brought onto County property (e.g. lockers, desks, briefcases, backpacks, purses, vehicles, etc.).

For purposes of the County's Drug and Alcohol-Free Workplace Policy, the County will typically conduct such searches:

1. When the immediate supervisor or department head has reason to believe that the employee in question is currently possessing illegal and/or prohibited substances on County property or time.
2. When the immediate supervisor or department head has reason to believe that the employee in question has sold or distributed or has attempted to sell or distribute illegal and/or prohibited substances on County property or time.

Information Technology and Equipment Usage Policy

Section:	Workplace Environment
Policy Number:	3.03
Date:	3/27/2019

The County provides computers and other electronic devices, facsimile transmission (fax machines), computer files, printers, copy machines, voice mail, electronic mail and on-line services to assist an employee in completing job duties as quickly and efficiently as possible. These systems are intended to be used for business purposes only. Unless authorized in writing by the County's Information Services Department, employees are prohibited from downloading any software, unauthorized e-mails, attachments, content, etc., onto the County's network or system.

All system hardware and software are County property, as well as all messages composed, sent or received on or using the County's hardware, software, network and/or systems. They are not the private property of any employee and while the County does not intend to review these records on a regular basis, employees have no right or expectation of privacy when using the County's hardware, software, network and/or systems. The County reserves the right to enter, search and monitor all computer files, voice mail, electronic mail, and internet files of any employee which are prepared on and/or transmitted via the County's hardware, software, network and/or systems, without notice. Notwithstanding this however, messages received by employees should be treated as confidential by other employees and accessed only by the intended recipient.

Employees are not authorized to retrieve or read messages that are not sent to them; employees shall not attempt to gain access to another employee's messages and employees shall not access a file or retrieve any stored information unless authorized to do so. Any exception to this policy must receive prior approval by the employee's department administrator. County records are subject to disclosure to law enforcement, government officials or other third parties through subpoena, Freedom of Information Act requests, or as otherwise required by law. Consequently, employees should always ensure that the information contained in these messages is accurate, appropriate, lawful, and that proper etiquette is maintained on all systems.

The County's hardware, software, network and systems must never be used to produce/prepare or convey messages having language or images that may reasonably be considered offensive, demeaning or disruptive to any employee/citizen or which creates a discriminatory, hostile or abusive work environment. Such content includes, but is not limited to: sexually or racially explicit comments or images, sexual or racial epithets or slurs, or any comments or images that would offend someone based on their race, color, sex, religion, national origin, age, weight, height, disability, status as a veteran or sexual orientation, or any other status protected by law, ordinance or County policy. Threatening, abusive and profane language is prohibited. If any such message is received, from within or outside the County, the employee's department supervisor should be immediately notified.

All employees accessing the internet and the County email system are representing the County. All communications should therefore be professional and for legitimate business purposes only. The internet and County email system should not be used for personal purposes or advancement of

individual views. Every employee has a responsibility to maintain and enhance the County's public image, and to use the internet in an appropriate and professional manner.

The County licenses the use of computer software from a variety of third parties. The software is copyrighted and unless authorized, no employee has a right to make copies of any software, or to give software to anyone.

It is the policy of the County to respect all copyrights and to adhere to the terms of all software and other intellectual property licenses to which the County is a party.

Upon termination, an employee's computer access will be revoked. The employee's voice mail box, e-mail box, computer files, and internet transmissions will be reviewed, and if appropriate, removed, or archived, or turned over to the proper authorities. Retention of records will be done in accordance with state regulations.

Building Closures Policy

Section:	Workplace Environment
Policy Number:	3.04
Date:	3/27/2019

There are occasions where it is in the best interest of both the County and its employees to close some/all buildings or curtail some/all services as a result of snowstorms, tornados, or other emergencies.

Employees who were scheduled to work on days when their offices or buildings are closed due to inclement weather or emergency will receive their regular straight time pay for that day up to seven and a half (7.5) hours for an employee regularly scheduled thirty-seven and a half (37.5) hours a week or eight (8.0) hours for an employee regularly scheduled forty (40.0) hours a week. This straight time pay will cap at a maximum of thirty-seven and a half (37.5) hours or forty (40.0) hours depending on the employee's weekly work schedule and cannot be applied for purposes of accumulating compensatory or overtime hours.

Those employees, scheduled to work, who are sent home due to an official closing will receive their regular straight time pay for the remainder of their scheduled shift up to seven and a half (7.5) hours for an employee regularly scheduled thirty-seven and a half (37.5) hours a week or eight (8.0) hours for an employee regularly scheduled forty (40.0) hours a week. This straight time pay will cap at a maximum of thirty-seven and a half (37.5) hours or forty (40.0) hours depending on the employee's weekly work schedule and cannot be applied for purposes of accumulating compensatory or overtime hours.

Essential employees required to work their regularly scheduled hours on days when the County closes some/most other operations will receive their regular pay. If an employee is working at a position or building which is in operation and other buildings are closed, they are to remain at work.

Part-time employees working or scheduled to work will receive regular pay for the hours scheduled to work on that day. Part-time employees will not receive regular pay if they were not scheduled to work on that day.

Employees who are off on scheduled leave time when an emergency causes a building closing will remain on leave; the employee will not receive any additional compensation or leave credit.

During closure days, employees are on call (during their regularly scheduled working hours) and may be called in to work at any time during their regularly scheduled hours. If contacted, the employee will be expected to report to work immediately (within one (1) hour).

Employees who are unable to report to work on days when County offices and buildings are officially open, and/or the employee is scheduled to work, must utilize accrued PTO or compensatory time.

Wage and Salary Administration Section
Employment Status Policy

Section:	Wage and Salary Administration
Policy Number:	4.01
Date:	3/27/2019

Regular Full-Time Status

Full-time means an employee who is regularly scheduled to work thirty (30) or more hours per workweek. A full-time employee, who is placed on a short-term, temporary hour reduction from full-time to part-time (less than thirty (30) calendar days), will continue to be eligible for benefits.

Regular Part-Time Status

Part-time means an employee who is regularly scheduled to work less than thirty (30) hours per workweek.

Non-Exempt Status

Non-exempt employees, as defined by the Fair Labor Standards Act, are paid on an hourly basis and are entitled to overtime pay (at 1.5 times the employee's regular base hourly rate) for all authorized hours worked in excess of 40 hours in a workweek.

Exempt Status

Exempt employees, as defined by the Fair Labor Standards Act (professional, administrative, executive, etc., employees), are paid on a salary basis in exchange for performing a job, regardless of the hours it takes to perform that job. Salaried exempt employees are not legally entitled to overtime. Such employees will be treated as "Regular Full-Time" for benefits purposes.

Temporary Status

This term identifies the duration of employment as temporary and/or for a specific limited duration (e.g. seasonal or temporary help, to temporarily replace a regular employee on leave, project work, interns, etc.). Temporary employees receive statutorily mandated benefits only; they are not entitled to any other benefits set forth in this policy manual.

Payroll and Reporting Policy

Section:	Wage and Salary Administration
Policy Number:	4.02
Date:	3/27/2019

Van Buren County employees are paid every other Friday. Although each workweek stands alone for purposes of calculating hours worked, pay and overtime, the Van Buren County pay period consists of two pay weeks with each beginning on Saturday and concluding on Friday. Each pay check covers the previous two-week period ending on the Friday before the payday.

- A. **General:** Van Buren County observes a bi-weekly payroll period, with each pay week starting Saturday and ending Friday. Information regarding the employee's address, deductions, and tax exemptions are maintained by the Employee Services Department. Employee hours of work or paid time off are reported through the time collection system, and paychecks are processed and distributed by the Finance Department.
- B. **Employee Information:** Employees are responsible to ensure that accurate information is contained within their personnel file for purposes of payroll, government report and benefits records. Any changes can be made by contacting the Employee Services Department or by completing the necessary forms and submitting them to Employee Services Department. Changes that will affect the employee's payroll or deductions must be received in the Employee Services Department no later than the Wednesday prior to the pay period end date to be effective on that pay period.
- C. **Reporting Hours or Paid Time Off:** All hourly paid non-exempt employees are required to utilize the time collection system for purposes of accurate reporting of work hours for payroll processing (salaried exempt employees may be required to report hours worked in order to track productivity, time allocation, etc.). Bi-weekly payroll reports need to be approved by the appropriate supervisor by 10 A.M. the first business day following the bi-weekly pay period. In the event payroll is not authorized by the appropriate supervisor, payroll will proceed based on the employee's standard hours and discrepancies corrected on the following payroll.
- Fraudulent reporting of work hours, exemptions or time off will subject an employee to discipline up to and including termination and potential legal penalties. Supervisory approval for hours or exceptions entered into the payroll system is required.
- D. **Wage Increases:** A Personnel Action Form (PAF) is required to process any pay increase. The PAF is to be signed by the applicable department head, court administrator, elected official or designee. The County Administrator and Employee Services Director are also required to sign the PAF.
- E. **Corrections:** Any employee who believes he/she has been paid the incorrect amount, or has not been paid for all hours worked, or that the County has made an improper deduction from the employee's pay, etc., should report the matter immediately to Payroll. Payroll will conduct a prompt and appropriate investigation and will make all appropriate corrections to the employee's pay.

Hours of Work Policy

Section:	Wage and Salary Administration
Policy Number:	4.03
Date:	3/27/2019

Most employee work schedules will mirror the County's office hours, consisting of seven and one half (7.5) hours, Monday through Friday, which will total thirty-seven and a half hours (37.5) per week. However, nothing contained herein shall be construed as a guarantee of hours per day or per week.

A court administrator, department head or elected official may change an employee's daily or weekly hours worked and/or work schedule as deemed appropriate to best serve the public and/or meet the County's needs.

Office hours, and therefore the normal work day for most employees shall be from 8:30 a.m. to 5:00 p.m. with a one-hour unpaid lunch period scheduled near the middle of the work shift. Employees will generally receive a paid rest or break period not to exceed fifteen (15) minutes in duration at or near the midpoint of the first half of their shift, and a second paid rest or break period not to exceed fifteen (15) minutes at or near the midpoint of the second half of their shift. It is understood that the timing of the break period may vary depending upon the nature of the work being performed by the employee at the time, it being recognized that under certain conditions it may be impossible or impracticable for the employee to take a break, or the break may need to be delayed until the urgent or critical aspect of the job then being performed has been completed.

Overtime and Compensatory Time Policy

Section:	Wage and Salary Administration
Policy Number:	4.04
Date:	3/27/2019

Department heads, elected officials and court administrators are responsible for authorizing overtime worked by hourly-paid non-exempt employees of their agency, office or department. An employee must not work overtime or compensatory time without prior approval of the employee's department head/elected official or court administrator.

All overtime and compensatory time shall be paid and awarded in accordance with the Fair Labor Standards Act.

Employees in exempt positions, as defined by the Fair Labor Standards Act, are not eligible for overtime.

Method of Compensation

Hours worked up to 37.5. Non-exempt hourly-paid employees who work up to thirty-seven and a half (37.5) hours a week shall receive their regular straight time pay.

Hours worked in excess of 37.5. Non-exempt hourly-paid employees who work over thirty-seven and a half (37.5) hours, but not more than forty (40) hours, shall receive either straight-time or compensatory time. The use of compensatory time must take place within the next pay period at a time mutually agreed between the supervisor and the employee. Compensatory time not utilized in the next pay period will be paid as straight time to the employee.

Hours worked over 40.0 Hours per week. Non-exempt hourly-paid employees working over forty (40) authorized hours in the workweek shall be paid at the rate of one and a half times the employee's base or regular straight-time hourly rate.

Employee Leave Policy Section

Holidays Policy

Section:	Employee Leave
Policy Number:	5.01
Date:	3/27/2019

The following are Van Buren County's recognized holidays for its non-represented employees. Regular full-time employees will receive holiday pay (salaried exempt employees will receive their regular salary).

Recognized Holidays

New Year's Day – January 1st

Martin Luther King Jr.'s Birthday – Third Monday in January

in conjunction with the federal holiday

President's Day – Third Monday in February

Memorial Day – Last Monday in May

Independence Day – July 4th

Labor Day – First Monday in September

Veterans' Day – November 11th

Thanksgiving Day – Fourth Thursday in November

Friday after Thanksgiving

Christmas Eve – December 24th

Christmas Day – December 25th

New Year's Eve – December 31st

When New Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Saturday, the preceding Friday shall be the holiday. When New Year's Day, Independence Day, Veterans' Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday.

When Christmas Eve or New Year's Eve falls on Friday, then the preceding Thursday shall be a holiday. When Christmas Eve or New Year's Eve falls on a Saturday or Sunday, then the preceding Friday shall be the holiday.

To qualify for pay on the holiday, as listed above, all hourly paid non-exempt employees must have worked the last scheduled work day before and the next scheduled work day following such holiday, except in cases where the absence on such day or days occurred during his/her authorized time off.

All regular part-time employees will be given six (6) days holiday pay prorated to their average work day hours based on a five (5) day work week. These holidays are Thanksgiving, day after Thanksgiving, Christmas, Christmas Eve, New Year's Eve and New Year's Day.

Temporary employees (seasonal, interns, project, etc.) are not eligible to receive holiday pay.

Regular Full-Time Paid Time Off Policy

Section:	Employee Leave
Policy Number:	5.02
Date:	3/27/2019

All paid leave (vacation, sick and personal) is combined into Paid Time Off (PTO).

Regular full-time employees who work thirty hours or more per week will accrue PTO according to the rate schedule below. An employee's last date of hire shall be used in determining PTO.

Paid Time Off shall accrue according to the following schedule:

Years of Service	PTO Accrual per Pay Period
0-2	5.51 hours
3-4	6.12 hours
5-9	7.37 hours
10-14	8.39 hours
15+	9.37 hours

Effective January 1, 2020, a regular full-time employee hired on or before December 31, 2019, cannot accrue over a maximum of five hundred (500) hours. PTO accrual will restart when an employee's PTO balance falls below the maximum five hundred (500) hour accrual cap. A regular full-time employee hired on or after January 1, 2020, cannot accrue over a maximum of three hundred and twenty (320) hours. PTO accrual will restart when an employee's PTO balance falls below the maximum three hundred and twenty (320) hour accrual cap.

Planned PTO must be scheduled with the employee's supervisor as far in advance as possible (generally at least two (2) calendar weeks). Planned PTO will be granted at such times during the year as requested by the employee and approved by the Employer, considering the operational needs of the County, workload, number of other PTO requests, etc.

Unplanned PTO can be used for any unscheduled reason (illness, emergency, etc.). PTO can also be used for the reasons/purposes and family members set forth in the "Paid Medical Leave Act" (*See*, bulletin board poster). When using unplanned PTO the employee must contact his/her supervisor prior to his/her shift-start time, and must provide an explanation for his/her absence. When appropriate, the employee's supervisor may require documentation proving the nature of the absence.

PTO can be taken in quarter (1/4) hour increments.

If a recognized holiday falls during an approved planned PTO, the employee will receive holiday pay for that day and will not be required to use PTO.

The use of PTO shall not be allowed in advance of the PTO being earned. An employee having insufficient PTO leave to cover a period of absence, and unless the employee has timely made arrangements to be on approved unpaid leave (e.g. FMLA, medical leave, etc.), shall be considered an absence without leave and subject to disciplinary action.

Employees will be paid their current rate of pay based on their regular scheduled workday while on PTO and will receive credit for benefits.

Annual Payout

Annually, up to fifty-two and a half hours of PTO will be reimbursed by the County if the employee so elects. The employee cannot elect this payout if the employee's PTO balance would fall below one hundred fifty (150) hours of PTO as of September 1. The payment will be in October of each year at the employee's current hourly rate of pay. The employee must make their written election for this payment in September of each year.

Separation/Resignation

A regular full-time employee hired on or before December 31, 2019, who terminates from employment, will receive his/her accrued and unused PTO up to a maximum of five hundred (500) hours. A regular full-time employee hired after January 1, 2020, who resigns/separates from employment, will receive his/her accrued and unused PTO, up to a maximum of three hundred and twenty (320) hours. Employees shall have the option of being paid out in cash, having the PTO payout deposited in the employee's tax deferred 457 plan, or having the PTO payout placed in the employee's tax-free MERS HCSP, or any combination of the above.

Regular Part-Time Employee Paid Time Off Policy

Section:	Employee Leave
Policy Number:	5.03
Date:	3/27/2019

Regular part-time employees who work less than thirty (30) hours per week will accrue one hour of PTO for every 35 worked hours (.0286 per hour).

A regular part-time employee cannot accrue over a maximum of eighty (80) hours. PTO accrual will restart when an employee's PTO balance falls below the maximum eighty (80) hour accrual cap.

Planned PTO must be scheduled with the employee's supervisor as far in advance as possible (generally at least two (2) calendar weeks). Planned PTO will be granted at such times during the year as requested by the employee and approved by the Employer, considering the operational needs of the County, workload, number of other PTO requests, etc.

Unplanned PTO can be used for any unscheduled reason (illness, emergency, etc.). PTO can also be used for the reasons/purposes and family members set forth in the "Paid Medical Leave Act" (*See*, bulletin board poster). When using unplanned PTO the employee must contact his/her supervisor prior to his/her shift-start time, and must provide an explanation for his/her absence. When appropriate, the employee's supervisor may require documentation proving the nature of the absence.

PTO can be taken in quarter (1/4) hour increments.

A regular part-time employee who terminates from employment, will not receive his/her accrued and unused PTO.

Transfer of PTO Hours Policy

Section:	Employee Leave
Policy Number:	5.04
Date:	3/27/2019

POLICY: PTO may be transferred from one regular full-time employee's accumulated, unused balance to another regular full-time employee's PTO balance where it is anticipated that the employee receiving the transfer will require an extended time off due to a Family and Medical Leave Act qualifying event. The following rules and procedures will apply to such transfers:

PROCEDURES:

- A. Employees desiring to transfer PTO hours shall place the request in writing on the "Request of Transfer Hours" form. The form shall then be forwarded to the appropriate elected official/department head and County Administrator. The elected official/department head and the County Administrator shall have the discretion to approve or disapprove the request and both elected official/department head and the County Administrator must approve said request. The elected official/department head will consider the past attendance record of both grantor and recipient of the transfer of time and other pertinent factors. If approved by the elected official/department head and County Administrator, the request shall be forwarded to payroll and the hours will be transferred from the PTO balance of the employee gifting the hours to the accumulated PTO balance of the employee receiving the hours.
- B. Each employee may voluntarily transfer PTO hours in a thirty-seven and a half (37.5) hour block to a recipient's PTO bank, up to a maximum of seventy-five (75) hours per gifting employee per year. For Sheriff's Office employees, the amount is forty (40) and eighty (80) hours respectively.
- C. An employee is eligible to receive such transferred time only when the employee's PTO time has been exhausted.
- D. The recipient of the transferred time may use it only for purposes authorized by the Family and Medical Leave Act. Where an employee is eligible for Family and Medical Leave, use of such transferred time shall be counted against Family and Medical Leave Act time off.
- E. The transfer of PTO is on an hour-for-hour basis, regardless of the salary or hourly pay rate of the involved employees. Transfer of hours can take place inter or intra-departmentally. Once hours are gifted, they cannot be recovered/retrieved.
- F. No employee shall be eligible to receive more than six (6) months of transferred PTO for each qualifying event.

Bereavement Policy

Section:	Employee Leave
Policy Number:	5.05
Date:	3/27/2019

Regular Full-Time Employees

A regular full-time employee may request up to five (5) consecutive work days, with pay, to grieve, arrange services, attend services or settle the estate after the death of a member of their immediate family. Immediate family shall be defined as an employee's current spouse, parent, stepparent, parent-in-law, sibling, grandchild, and child of the employee or the employee's spouse.

A regular full-time employee may request up to three (3) consecutive work days, with pay, to grieve, arrange services, attend services or settle the estate after the death of a member of an employee's household, niece, nephew, aunt, uncle or grandparent of the employee or the employee's spouse.

A regular full-time employee may request up to two (2) additional paid bereavement days should the deceased family member's funeral be more than three hundred (300) miles from Van Buren County and provided the employee attends the funeral.

Bereavement days will not be granted on occasions where an employee was not scheduled to work. Bereavement days will not count as time worked for purposes of overtime.

Regular Part-Time Employees

A regular part-time employee shall receive pay for a day (prorated to their average work day hours based on a five (5) day work week) necessarily lost during their normal scheduled work week, not to exceed two (2) work days, to grieve, arrange services, attend services or settle the estate after the death of a member of their immediate family. Immediate family shall be defined as an employee's current spouse, parent, stepparent, parent-in-law, grandchild, or child of the employee or the employee's spouse.

A regular part-time employee shall receive pay for one (1) day (prorated to their average work day hours based on a five (5) day work week) necessarily lost during their normal scheduled work week to grieve, arrange services, attend services or settle the estate after the death of a member of an employee's household, sibling, niece, nephew, aunt, uncle or grandparent of the employee or the employee's spouse.

Bereavement days will not be granted on occasions where an employee was not scheduled to work. Bereavement days will not count as time worked for purposes of overtime.

Jury Duty Policy

Section:	Employee Leave
Policy Number:	5.06
Date:	3/27/2019

Employees who are subpoenaed for jury duty will, upon presentation of proof of such duty, be released from work. Written notice of the summons must be provided to the Finance Department as soon as it is available. An employee must return to work each day within one (1) hour of being released by the court, unless two (2) hours or less remains in the employee's shift/daily work schedule. Employees who are summoned/subpoenaed for jury duty will, upon submitting their jury duty pay to the Finance Department, be paid their normal wages/salary for up to ten (10) days per calendar year. Employees will not be required to submit mileage and parking expense pay to the County.

Family and Medical Leave Act Policy

Section:	Employee Leave
Policy Number:	5.07
Date:	3/27/2019

This policy provides employees with a general description of their Family and Medical Leave Act (FMLA) rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights provided by law. Nothing in this policy, however, gives the employee greater rights to continued employment than the employee would have had if the employee had not taken FMLA leave. The FMLA and its implementing regulations are very detailed. Specific questions regarding this policy should be directed to the Employee Services Department.

A. Eligibility

An employee may be eligible for leave under the FMLA if the employee meets each of the following requirements:

1. The employee completed twelve (12) months of employment with the County. The twelve (12) months does not need to be continuous. If there is a break in service of seven (7) years or more between earlier employment and the employee's current tenure with the County, however, the earlier employment will not count except in limited circumstances. In addition, individuals on leave for active military service may be entitled to credit (as time worked) for their time on military leave under certain circumstances; and
2. The employee worked at least one thousand two hundred and fifty (1,250) hours in the twelve (12) months prior to the leave commencing. Generally, only time worked counts toward this requirement. Individuals on leave for active military service may be entitled to credit (as time worked) for their time on military leave under certain circumstances.

An employee who does not meet each of these requirements may be entitled to take time off under other policies. The employee will not, however, be entitled to FMLA leave.

B. Qualifying Reasons for FMLA Leave

An eligible employee may take FMLA leave for any of the following reasons:

- A serious health condition of the employee that makes the employee unable to perform an essential function of his/her position (which may include incapacity due to pregnancy, prenatal medical care, or child birth).
- In order to care for the employee's spouse, child, or parent if the person being cared for has a serious health condition.
- Birth of a child, and to care for the child (under the age of 18, unless incapable of self-care) within twelve (12) months of the child's birth.
- Placement of a child with the employee for adoption or foster care, and to care for the child within twelve (12) months of the child's placement.

- Because of any qualifying exigency arising out of the fact that a parent, spouse, or child is on active duty or has been notified of an impending call or order to active duty in the Armed Forces, including National Guard or Reserve.
- To care for a covered service member of the Armed Forces, including National Guard or Reserve, who has or is being treated for a serious injury or illness if the employee is the spouse, child, parent, or next of kin of the covered service member.

C. Definitions

1. “Serious Health Condition”. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either any period of incapacity or treatment connected with an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. If an employee is not sure whether the employee’s condition qualifies for FMLA leave, the employee may apply for such leave and, after review of appropriate medical documentation, the County will advise the employee whether the leave is covered under this provision.

2. “Qualifying Exigency”. Qualifying exigencies related to being on active military duty or to a call to active military duty may include addressing issues arising out of a short notice deployment, attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions, spending time with a covered service member who is on short-term temporary rest and recuperation leave, and attending post-deployment reintegration briefings.
3. “Covered Active Duty”. “Covered active duty” for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country. “Covered active duty” for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section 101(a)(13)(B) of title 10, United States Code.
4. “Serious Injury or Illness”. For a current member of the Armed Forces a “serious injury or illness” was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and renders the member medically unfit to perform the duties of the member’s office, grade, rank, or rating. For a veteran, a “serious injury or illness” is a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty

and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

5. "Covered Service Member". A "covered service member" is a current member of the Armed Forces (including National Guard and Reserves) who is (a) on the temporary disability retired list; (b) undergoing medical treatment, recuperation, or therapy for the serious injury or illness; or (c) assigned to a military medical treatment facility as an outpatient or otherwise be receiving outpatient care at a unit established for members of the Armed Forces. This provision also applies to veterans (including a member of the National Guard or Reserves) undergoing medical treatment, recuperation, or therapy for a serious injury or illness incurred or aggravated in the line of duty so long as the veteran was an active service member at any time during the five (5) years preceding the treatment, recuperation, or therapy.

D. Benefits and Protections of FMLA Leave

Generally, the FMLA allows eligible employees to take an unpaid leave of absence for a period not to exceed twelve (12) weeks in any rolling twelve (12) month period (i.e., measured backward from the date the employee's requested FMLA leave begins). Leave for the birth or adoption of a child must be taken within one year of the qualifying event. The length of time allowed for leave for qualifying exigencies will depend on the type of qualifying event. Where leave is necessary for the care of a covered service member with a serious injury or illness, leave may be taken for up to twenty-six (26) weeks during a single twelve (12) month period beginning with the first date of leave.

Although the law indicates an employee is entitled to twelve (12) or twenty-six (26) weeks of unpaid leave of absence, the County has the right, and shall require, its employees to use their accumulated paid time off as part of, and to cover, his/her leave. Thereafter, unless the employee qualifies for workers compensation or disability benefits, the leave will be unpaid. However, this does not extend the leave beyond the twelve (12) or twenty-six (26) weeks where applicable. An employee may be required to provide additional information in accordance with the County's normal paid leave policies in order to receive pay during this time.

Leave for the birth or placement of the employee's child, or to care for the child within twelve (12) months of the child's birth or placement, may not be taken intermittently or on a reduced leave schedule. If medically necessary, however, leave for the employee's own serious health condition or to care for a seriously ill spouse, child, or parent, may be taken intermittently or on a reduced leave schedule. In addition, leave for "qualified exigencies" may also be taken on an intermittent or reduced leave schedule basis. Whenever possible, an employee must schedule intermittent leave or reduced schedule leave that will create the least disruption to the County's operations. In addition, under certain circumstances the County may temporarily transfer an employee to another position or shift (with equal pay and benefits) while on intermittent leave.

Total time off for a leave taken as a reduced leave schedule or intermittent leave may not exceed twelve (12) weeks (or twenty-six (26) weeks where applicable) in the applicable twelve (12) month period.

A married couple, who are both employed by the County, may be limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken for birth of the employee's child or to care for the child after birth, for placement of a child with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. Similarly, a married couple, who are both employed by the County, may be limited to a combined total of twenty-six (26) weeks of leave during the applicable twelve (12) month period to care for a covered service-member with a serious injury or illness.

During the FMLA leave, the County will maintain an employee's health insurance benefits at the same level as if he/she had continued working. The County shall continue to pay its portion of the cost of the health insurance premiums for an eligible employee during the period the employee is on qualified leave. Employees will be required to pay the active employee portion of the insurance premiums on a monthly basis, if applicable. If an employee's health insurance premium is more than fifteen (15) days late, the County will notify him/her in writing. The employee's health insurance coverage will be cancelled if the premium payment is more than thirty (30) days late. Thereafter, employees may have the opportunity to continue health insurance at their own cost under the COBRA law, if applicable. The employee's responsibilities regarding payment of their portion of plan premiums will be explained to the employee at the time his or her leave is granted.

The County may recover its share of premiums paid to maintain an employee's health insurance benefits during FMLA leave if the employee fails to return to work after the FMLA leave expires for a reason other than the continuance, recurrence, or onset of a serious health condition, or for other circumstances outside the control of the employee.

Upon return from an FMLA-qualifying leave, the employee will be returned to his/her former position or to a position equivalent in pay, benefits, and other terms and conditions of employment.

A medical provider statement of release to work (i.e., "fitness-for-duty") must be provided by the employee to the County prior to the employee returning to work after FMLA-qualifying leave. The employee is to report to his/her Supervisor before beginning work.

E. Notice of Need for FMLA Leave

If an employee wishes to take FMLA leave, an employee must do the following:

1. Foreseeable Absence

In the case of a foreseeable absence (such as, when leave is taken for the birth of a child, to care for the child within twelve (12) months, or for planned medical treatment(s)), the employee must provide not less than thirty (30) days' notice before the leave is to begin. If thirty (30) days' notice is not practicable, then an employee must provide notice as soon as is practicable. If the dates of the leave change, the employee must advise the County of such a change as soon as practicable. Notice of requests for FMLA leave should be in writing when circumstances permit and be directed to the Employee Services Department. In the notice/request, an employee must provide the County with sufficient information to understand why the employee

is requesting FMLA leave (calling in “sick” does not suffice).

If an employee is seeking FMLA leave because of scheduled or planned medical treatment, an employee must consult with the Employee Services Department to schedule the treatment so as not to unduly disrupt the County’s operations.

2. Unforeseeable Absence

Where the absence cannot be foreseen, an employee must provide the necessary notice described above as soon as practicable upon learning of the need for leave. While such notice can be provided verbally, it must include the same information necessary for the County to understand that the request is for FMLA leave. **An employee will be expected to follow and comply with the County’s normal call-in procedures and notice requirements.** Calling in “sick” will not be sufficient notice to trigger FMLA benefits or protections.

3. Certification Establishing Need for FMLA Leave

a. Once an employee requests FMLA leave and/or it appears the employee may be eligible for FMLA leave, the employee will be advised of their eligibility for such leave (Form WH-381). An employee may also be required to provide certain information, such as medical certification, to determine whether the employee has a qualifying reason for FMLA leave (Form WH-380). At the time an employee requests leave, the employee will be provided additional information regarding FMLA rights and responsibilities. The employee will be advised in writing regarding whether the request for FMLA has been granted and, if it is being denied, the reasons for the denial (Form WH-382).

b. This certification (Form WH-380) must be provided to the Employee Services Department within fifteen (15) days after it is requested and must include the date the condition began, its probable duration, appropriate medical facts within the knowledge of the health care provider regarding the condition, and a statement the employee is unable to perform his/her job function or is needed to care for a sick family member for a specified time. An employee must obtain the appropriate certification form(s) from the Employee Services Department.

c. **FAILURE TO PROVIDE THE NECESSARY NOTICE OF THE NEED FOR FMLA LEAVE OR TO PROVIDE THE NECESSARY DOCUMENTATION SUPPORTING THE LEAVE WITHIN THE TIME REQUIRED MAY RESULT IN THE FMLA LEAVE BEING DELAYED OR DENIED ALTOGETHER.**

d. The County may require, at its own expense, a second medical opinion from a health care provider designated by the County, but not employed on a regular basis by the County. In the event of a dispute concerning the second certification, the County may require, at its own expense, a third opinion from a health care provider. The employee and the County must agree on the selection of the third health care provider whose opinion is binding on both parties.

- e. When appropriate, the County may require the employee to obtain re-certification and/or a new certification.

F. Miscellaneous Provisions

Employees will be required to use PTO for FMLA qualifying time off. After PTO is exhausted, and unless the employee qualifies for another form of pay (e.g. Workers Compensation, Disability, etc.), FMLA is unpaid.

Approved time off/leave for work related injuries (during which the employee may qualify for and receive Workers Compensation benefits) will also – if qualifying - be counted as FMLA.

During the time an employee is off work on FMLA leave, he/she shall have no other employment. Thus, an employee on FMLA leave or any other medical leave is not allowed to work for another employer, including self-employment, during the leave of absence.

Employees who knowingly misrepresent facts in order to be granted FMLA leave will be subject to discipline, up to and including termination. Such actions constitute fraud.

Absent extraordinary circumstances or other reasons protected by law or by contract, an employee who fails to return to work on the first business day after the expiration of the FMLA leave period will be considered a voluntary quit.

If an employee returns from an absence which, though qualifying, was never designated as FMLA because the employee did not provide the County with sufficient information as to the true nature of their absence (e.g. an employee provided insufficient notice when first calling in, took PTO time without sufficient explanation, etc.) an employee must notify Employee Services – in writing – within two (2) business days of returning to work of the true reason for the absence and must request the time be retroactively designated as FMLA. An employee who fails to timely do so may be unable to subsequently assert FMLA protection for the absence.

Benefits Section

Insurance Benefits Policy

Section:	Benefits
Policy Number:	6.01
Date:	3/27/2019

Van Buren County provides access to comprehensive, flexible group health insurance plans – on a premium co-share basis – for regular full-time employees after a short qualifying period (contact the Employee Services Department for information about current premium co-shares and waiting/qualifying periods). Full-time eligibility is according to the Affordable Care Act, based upon a one (1) year look-back period.

An employee can make their plan elections during the open enrollment period or after participating in a new employee benefits overview conducted by the Employee Services Department shortly after hire. Plan elections will remain unchanged throughout the benefit's year, except in limited circumstances as defined by law. New plan elections can then be made at the next open-enrollment period/opportunity. Plan offerings include health, dental, vision, disability and life insurance coverages.

Part-time employees averaging more than twenty (20) hours but less than thirty (30) hours per week may participate but must pay all (no premium co-share) insurance premiums.

An opt-out payment will be available to employees eligible for County insurance coverages who waive the health, dental and vision coverages because the employee has alternate coverages (e.g. from a spouse, parent, etc.). The County will require proof of alternate coverage for any employee waiving County coverage. The opt-out payment will be treated as taxable income to the employee.

The Board of Commissioners may periodically adjust the plan as resources and the law allow. The Board of Commissioners reserve the right to increase premium co-pays, eliminate co-pays, or modify, alter or terminate these arrangements at any time for any reason it deems appropriate. In the event any conflict between this policy and the plan documents exist, the plan documents control.

Under certain circumstances an employee, or their qualifying beneficiary, may be eligible to continue health insurance coverage when faced with a situation in which the health insurance coverage would otherwise normally end (i.e. COBRA continuation coverage). Employees should contact the Employee Services Department with any questions regarding their COBRA rights.

Retirement Benefits Policy

Section:	Benefits
Policy Number:	6.02
Date:	3/27/2019

Defined Benefit

All employees currently participate in the Municipal Employees' Retirement System (MERS) Defined Benefit Plan. Future retirement benefits are paid largely by contributions made by the County and a 5% contribution made by employees.

The Municipal Employees' Retirement System (MERS) of Michigan administers the defined benefit plan. MERS is an independent, professional retirement services company created to administer the retirement plans for Michigan's local units of government on a not-for-profit basis.

Formula

The future benefit doesn't fluctuate due to investment gains or losses in the market but is based on a formula.

The defined benefit formula is as follows:

"Final Average Compensation (FAC)" x "Years and Months of Services" x "Benefit Plan Multiplier" divided by 12 for the employee's monthly (Straight Life) amount.

- The employee's "Final Average compensation (FAC)" is the average of the employee's highest consecutive sixty (60) months.
- The employee's "Years of Service" is calculated based on working ten (10), eight (8) hour or seven and a half (7.5) hour days depending upon the employee's position.
- The employee's multiplier is 2.0% and then at full Social Security Age is 1.7%.

The County believes the above formula is an accurate recitation of the MERS Defined Benefit Plan. However, employees should verify all retirement questions with MERS.

Retirement Eligibility

To qualify for the MERS Defined Benefit Plan benefits upon retirement, an employee must have at least ten (10) years of service, called vesting, and be at least sixty (60) years of age. Van Buren County also has some early retirement provisions that allow qualified employees to retire as early as fifty (50) years of age with twenty-five (25) years of service, or fifty-five (55) years of age with twenty-five (25) years of service depending upon the position. Contact MERS or the Employee Services Department for more information.

An employee can monitor their account and run personalized benefit estimates by logging into their MERS account at mersofmich.com.

An introduction to the defined benefit plan is provided in the employee's new hire benefits overview and through on-site educational programs.

457b Plan

All County employees are eligible to participate in a voluntary 457b plan to provide additional income for retirement. Employees can participate through payroll deduction up to annual IRS dollar limits. This is an employee funded defined contribution plan; there is no vesting or matches. The County does not contribute, and gains/losses are the employee's responsibility. An introduction to the 457b plan is provided during the new hire benefits overview.

Flexible Spending Accounts Policy

Section:	Benefits
Policy Number:	6.03
Date:	3/27/2019

Regular full-time and part-time employees are eligible to participate in the County's Section 125 Flexible Benefit Plan. Participation permits an employee to set aside a pre-determined portion of the employee's pre-tax wages/salary. These pre-tax dollars can then be used to pay all or part of the employee's insurance premium co-payments, out-of-pocket medical expenses, dependent care, etc. The employee benefits by using pre-tax dollars to pay these amounts while increasing spendable income and reducing taxes. Participants should be aware that any dollars set aside in a flexible spending account will be forfeited should they not be used in the benefit year. An employee should contact the Employee Services Department with any questions about the Section 125 Plan.

Workers' Compensation Policy

Section:	Benefits
Policy Number:	6.04
Date:	3/27/2019

The County pays to provide employees with workers' compensation insurance. County employees who suffer a work-related injury or illness are covered by Michigan Workers' Compensation Law. Any incidents or accidents must be immediately reported to the Employee Services Department. Workers' compensation benefits (partial income replacement) may, upon request, be supplemented by an employee's accrued leave, up to 100% straight pay/salary replacement.